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Agenda No. 7
04/26/05

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Shared Water Well Ordinance Amending
Title 22 - Planning and Zoning**

Dear Supervisors:

On April 26, 2005, your Board instructed our office to prepare a final ordinance to amend Title 22 of the Los Angeles County Code to establish use and development standards for shared water wells. As instructed, enclosed are the analysis and ordinance for your consideration and adoption. The ordinance includes the amendments that your Board approved at the April hearing.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

LLH:di

Enclosures

ANALYSIS

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to establish use and development standards for shared water wells.

RAYMOND G. FORTNER, JR.
County Counsel

By 
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Public Works Division

LLH:di

12/16/04 (requested)

6/23/05 (revised)

ORDINANCE NO. _____

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to establish use and development standards for shared water wells.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.08.230 is hereby amended to add the definitions of water well; water well, abandoned; and water well, shared to the list of terms starting with the letter W in alphabetical order as follows:

22.08.230 W.

. . .

-- "Water well" has the meaning set forth in Section 11.38.120 of Title 11 (Health and Safety) of the Los Angeles County Code and comprises any drilled, excavated, jetted, or otherwise constructed excavation which is used or intended to be used to extract water from or inject water into the underground for any purpose or to observe or test underground waters, but does not include:

A. Saltwater wells;

B. Wells under the jurisdiction of the state of California, Division of Oil and Gas, except those wells converted to use as water wells; or

C. Wells used for the purpose of dewatering during construction, or stabilizing hillsides, or earth embankments.

- "Water well, abandoned" has the meaning set forth in Section 11.38.010 of Title 11 (Health and Safety) of the Los Angeles County Code and comprises a nonoperating well which is not maintained in conformity with Section 11.38.290 of said Title 11.
- "Water well, shared" means a single water well, with its related tanks, pumps, and pipes, that provides potable water for up to four dwelling units, which dwelling units are located on the lot that contains the well and/or on any adjoining lot, in any combination.

. . .

SECTION 2. Section 22.20.090 and subsection A of Sections 22.20.190, 22.20.430, 22.24.090, and 22.24.140, respectively, are hereby amended to add to the list of uses subject to a director's review and approval in residential and agricultural zones in alphabetical order as follows:

. . .

- Shared water wells, subject to the provisions of Section 22.56.1764.

. . .

SECTION 3. Subsection A of Sections 22.20.100, 22.20.200, 22.20.440, 22.24.100, and 22.24.150, respectively, are hereby amended to read as follows:

. . .

- Water reservoirs, dams, treatment plants, gaging stations, pumping stations, ~~tanks, wells, and tanks, except those wells and tanks related to a shared water well, and any other~~ use normal and appurtenant to the storage and distribution of water.

...

SECTION 4. Section 22.56.1764 is hereby added to read as follows:

22.56.1764 Director's review--Shared water wells.

- A. Application. In addition to submitting the information required by Section 22.56.1680, an applicant for a shared water well shall submit the following for purposes of a director's review:
1. The legal description of each lot that will share the well.
 2. A detailed statement of:
 - a. The number and location of the dwelling units that will share the well and each of their existing and proposed uses. For purposes of determining the number of dwelling units that will share the well:
 - i. A primary unit, second unit, caretaker's residence (either conventional or mobile home), and a senior citizens residence shall each be considered one dwelling unit; and
 - ii. A detached living quarters for use by temporary guests or domestic staff, and an attached living quarters for guests or domestic staff without a kitchen shall not be considered a dwelling unit.

b. The amount of water that will be available to each dwelling unit that will share the well and the intended uses for the water.

3. A list, certified by affidavit or statement under penalty of perjury, of the names and addresses of all persons who are shown on the latest available assessment roll of the County of Los Angeles as owners of the lots that will share the well and as owning property within a distance of 1,000 feet from the exterior boundaries of these lots.

4. Two sets of mailing labels for the above-stated owners.

5. A map drawn to a scale specified by the director indicating where all such ownerships are located.

6. Site plan. For each lot containing a dwelling unit that will share the well, a site plan containing a depiction of the following:

a. The lot's property lines.

b. The rights-of-way of all public and private streets adjoining the lot.

c. The location of all existing and proposed dwelling units and other structures and land uses on the lot.

d. The location and depth of all existing and proposed infrastructure for water and sewers on the lot, including, but not limited to, the infrastructure for:

- i. Existing wells, including abandoned wells;
- ii. Newly proposed wells; and
- iii. Existing and proposed sewage and/or waste disposal systems.

- e. Existing and proposed easements covering any portion of the lot.

7. Water test results. Test results for boring, chemical constituent, and bacteriology showing, to the satisfaction of the county department of health services, the adequacy of groundwater depth, well yield, water flow, and water quality to service the dwelling units that will share the well.

8. Access easement. An access easement prepared by a licensed attorney, licensed surveyor, or registered civil engineer, showing, to the satisfaction of the county departments of health services, fire, and public works, that access to the shared water well, and its related pumps, tanks, and pipes, has been granted to the owners of the dwelling units that will share the well.

9. Covenant. A covenant prepared by a licensed attorney, signed by the owners of all of the dwelling units that will share the well, setting forth, to the satisfaction of the county departments of health services, fire, and public works:

- a. The information described in subsections A.1 and A.2 of this Section.

- b. The procedures for modifying and amending the covenant.

c. That the owner of the lot that contains the shared water well has agreed to:

i. Ensure a continuous flow of water to all dwelling units that will share the well;

ii. Submit a bacteriology report to the county department of health services every three years following the director's approval of the shared well, prepared by a registered civil engineer, registered engineering geologist, or certified hydrologist with hydrology-related experience, describing the quality of the water from the shared water well; and

iii. Submit a report to the county department of health services and/or other appropriate county department every three years following the director's approval of the shared well, prepared by a California-registered geologist or registered engineer holding a valid class A general engineering contractor C-57 or C-61(D-21) license, certifying that the shared water well is fully operational.

d. That each owner of a lot that will share the well has agreed to ensure that the water from the shared water well will be used exclusively to serve those dwelling units described in the application for the shared well.

e. That the applicant will obtain all necessary permits and approvals from the county departments of health services, fire, and public works.

10. Documentation regarding assumption of risk. A document prepared by a licensed attorney, and satisfactory to the county, demonstrating that all owners of the dwelling units that will share the well and all successors, assigns, and tenants of such owners agree to assume all risks, waive all liability, covenant not to sue, and indemnify the county, its agents, officers, and employees for any damages resulting from the county's approval of and/or imposition of conditions on the application and/or the subsequent use of the shared water well by such persons.

11. Any other information the director deems necessary to make a determination on the pending application.

12. In his/her review, the director may waive any of the requirements set forth in subsections A.1 through A.10 above, provided he/she obtains an approval for such waiver from the county departments of health services, fire, and public works.

B. Environmental Review. An application for a director's review for a shared water well shall be considered a discretionary project as that term is defined in the California Environmental Quality Act, California Public Resources Code, Division 13.

C. Application Processing Procedures.

1. Notice. The director shall send a written notice that an application for a shared water well has been filed to all property owners shown on the list described in subsection A.3, above, and to such other persons who, in the director's judgment, might be affected by the proposal, including, but not limited to, members of interested homeowners' associations and civic organizations. The notice shall be sent by first-

class mail, postage prepaid, and shall describe the proposal, informing the recipient that written comments may be submitted to the director for consideration within 15 days after receipt of such notice.

2. Distribution of the application. The director shall send copies of the application and all of its related materials to the county departments of health services, fire, and public works for their formal review and conceptual approval.

3. Director's decision.

a. Notwithstanding the principals and standards in Section 22.56.1690 that otherwise apply to a director's review, the director may approve an application for a shared water well if he/she finds that the shared water well:

i. Will not be materially detrimental to the affected aquifer/water table level(s);

ii. Will not be materially detrimental to the use, enjoyment, or value of the properties adjacent to the properties where the subject dwelling units are located;

iii. Will not induce significant growth in the area surrounding the shared water well; and

iv. Will not have a significant adverse effect on public services, facilities, and roads in the area surrounding the shared water well.

b. The director may impose any such condition on the application that he/she deems appropriate to ensure that the use of the shared water well will be consistent with these findings and will further the objectives of all other provisions of this section, including, but not limited to, conditions requiring that:

i. Prior to the construction of the shared well, the applicant shall obtain all necessary permits and approvals from the county departments of health services, fire, and public works; and

ii. Prior to the use of the shared well, the documents described in subsections A.8, A.9, and A.10, above, shall be recorded in the office of the county department of registrar-recorder/county clerk and that such recorded documents shall constitute covenants running with the land for the benefit of the county.

c. In making a decision on the application, the director shall consider any written comments that he/she receives from the persons notified pursuant to subsections C.1 and C.2, above.

4. Notice of director's decision. Notice of the director's decision shall be sent by first-class mail, postage prepaid, to the applicant, to all persons who submitted written comments on the application, and to any other person requesting notification of the director's decision, including, but not limited to, members of interested homeowners' associations and civic organizations. Such notice shall inform the recipient that the director's decision may be appealed in accordance with the provisions of subsection C.5 below.

5. Appeal of director's decision. The decision of the director may be appealed pursuant to the provisions of Chapter 22.60, Part 5, where, for purposes of those provisions, the director's decision shall be treated like a hearing officer's decision. Notwithstanding sections 22.60.170 and 22.60.240.B, the appellate body may, in its discretion, set the matter for a public hearing pursuant to Chapter 22.60, Part 4.

SECTION 5. Subsection A of Section 22.60.100 is hereby amended to add to the list of filing fees and deposits in alphabetical order as follows:

. . .

--- Site Plan Review, Director's Review for Shared Water Wells – \$1,191.00.

. . .

[WaterwellsLLHCOC]